

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **FATH, Michael**

Application No.: **10/568,020**

Filing Date: **05/06/2008**

Title: **DEVICE FOR SEALING AND/OR
PROTECTING CONSTRUCTION
OPENINGS**

Art Unit: **3634**

Examiner: **Ramsey, J.C.**

Confirmation No.: **2394**

Our Ref: **048155.001US**

RESPONSE AND AMENDMENT

21 April 2009

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

Sir:

The following is submitted in response to the Office Action dated 13 November 2008 from Examiner Jeremy C. Ramsey of Art Unit 3634.

Status is on page 2.

Summary of Fees Due is on page 2.

Claims Amendments begin on page 3.

Remarks begin on page 7.

STATUS

This patent application is pending.

Claims 1-16 are pending and have been rejected.

Claims 1-16 have been rejected under 35 USC 112 for various grammatical and idiomatic errors.

Claims 1, 5, and 8-16 have been rejected under 35 USC 103(a) over US Patent No. 3,708,827 to Foltz (Foltz '827).

Claims 2-4 have been rejected under 35 USC 103(a) over Foltz '827 in view of US Patent No. 6,553,618 to Whitley (Whitley '618).

Claims 6 and 7 have been rejected under 35 USC 103(a) over Foltz '827 in view of US Patent No. 5,499,671 to Owens (Owens '671).

SUMMARY OF FEES DUE

1. Extension of Time.

A separate Petition for an Extension of Time of three (3) months up to and including 13 May 2009 and the proper fee are being submitted herewith.

2. No Excess Claims Fee.

The fee for twenty (20) total claims and three (3) independent claims has been paid. This Response results in no more than twenty (20) total claims and three (3) independent claims and no excess claims fee is due.